

**76-3-407 Repeat and habitual sex offenders -- Additional prison term for prior felony convictions.**

- (1) As used in this section:
  - (a) "Prior sexual offense" means:
    - (i) a felony offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
    - (ii) sexual exploitation of a minor, Section 76-5b-201;
    - (iii) a felony offense of enticing a minor over the Internet, Section 76-4-401;
    - (iv) a felony attempt to commit an offense described in Subsections (1)(a)(i) through (iii); or
    - (v) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (1)(a)(i) through (iv).
  - (b) "Sexual offense" means:
    - (i) an offense that is a felony of the second or third degree, or an attempted offense, which attempt is a felony of the second or third degree, described in Title 76, Chapter 5, Part 4, Sexual Offenses;
    - (ii) sexual exploitation of a minor, Section 76-5b-201;
    - (iii) a felony offense of enticing a minor over the Internet, Section 76-4-401;
    - (iv) a felony attempt to commit an offense described in Subsection (1)(b)(ii) or (iii); or
    - (v) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (1)(b)(i) through (iv).
- (2) Notwithstanding any other provision of law, the maximum penalty for a sexual offense is increased by five years for each conviction of the defendant for a prior sexual offense that arose from a separate criminal episode, if the trier of fact finds that:
  - (a) the defendant was convicted of a prior sexual offense; and
  - (b) the defendant was convicted of the prior sexual offense described in Subsection (2)(a) before the defendant was convicted of the sexual offense for which the defendant is being sentenced.
- (3) The increased maximum term described in Subsection (2) shall be in addition to, and consecutive to, any other prison term served by the defendant.

Amended by Chapter 320, 2011 General Session